



Xerox Docket No. D/A1209

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Chi-Thanh DANG et al.

On Appeal from Group: 2176

Application No.: 09/859,425

Examiner: P. SMITH

Filed: May 18, 2001

Docket No.: 109444

For: SYSTEMS AND METHODS FOR DYNAMIC NATIONAL LANGUAGE SERVICE

APPEAL BRIEF TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is our Brief on Appeal in the above-identified application.

The Commissioner is hereby authorized to charge Deposit Account No. 24-0037 in the amount of Five Hundred Dollars (\$500.00) in payment of the Brief fee under 37 C.F.R. 1.17(f). In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 24-0037 as needed in order to effect proper filing of this Brief.

For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

Respectfully submitted,

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BRIEF ON APPEAL

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Appeal from Group 2176

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Xerox Docket No. D/A1209
Application No. 09/859,425

I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Xerox Corporation, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012022, Frame 0458.

II. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellants, Appellants' representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-21 are pending.

No claims are allowed.

Claims 1-21 are rejected and are on appeal.

IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on January 4, 2005. The March 17, 2005 Advisory Action indicates that the amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This disclosure relates to the managing of national language information. See specification at paragraph [0001]. The system and method for the dynamic national language service dynamically translates a skeleton or virtual content portion comprising content elements based on a language information that is associated with each client and/or user. The dynamic language service determines translations of each content element making up a skeleton or a virtual content record associated with the requested web page. See the specification at paragraph [0011]. Further, in various exemplary embodiments, the graphic language content elements may be generated from content elements associated with pictographic languages such as Japanese, Chinese and/or Korean. The graphic language content elements can be generated dynamically or stored in the language tables. The skeleton of virtual content record may incorporate these graphic language content elements into Internet graphic format "png" files or any other supported graphic file format which can then be incorporated into the skeleton or virtual content portion. This allows the client to read translations of each requested page without the need to load a specific character set. See the specification at paragraph [0013].

Accordingly, the invention of claim 1 is directed to a system for managing dynamic translation that includes a client language storage, a skeleton determining circuit, a language table storage, a client and user determining circuit, and a merging circuit. For example, as shown in Fig. 4, the client language storage 230 stores the language information associated with a client and a user. See the specification at paragraph [0022]. The skeleton determining circuit 290, as shown in Fig. 4, determines at least one skeleton content elements of a received content portion. See the specification at paragraphs [0038] and [0058]. The language table storage 220, as shown in Fig. 4, stores at least one translation of each skeleton content element based on the skeleton content element and language. See the specification at paragraphs [0038], [0057] and [0058]. For example, as shown in Figs. 8 and 9, the stored skeleton content elements include

both graphical content elements and textual content elements. See the specification at paragraphs [0038], [0057] and [0058]. The client and user determining circuit 270, as shown in Fig. 4, determines the client and user associated with the content portion. See the specification at paragraph [0038]. The merging circuit 250, as shown in Fig. 4, merges the translation of the skeleton content element based on the language associated with a determined client into the received content portion. See the specification at paragraph [0039].

Similarly, the invention of claim 6 is directed to a method for managing dynamic translation. For example, as shown in Fig. 2, in S20, a request for content information is received from a client. See, the specification at paragraphs [0026] - [0028]. In S30 and S40, as shown in Fig.2, the client and user associated with the content portion is determined. See, the specification at paragraphs [0026] - [0028]. In S60, as shown in Fig. 2, the skeleton content elements are determined for the received content portion. See the specification at paragraph [0029]. In S90, as shown in Fig. 2, the translated skeleton content elements are determined from a language table based on determined client and user. See the specification at paragraph [0031]. In S100, as shown in Fig. 2, the translated skeleton content elements are then merged into the content portion. See the specification at paragraph [0032].

The invention of claim 11 is directed to a computer readable storage medium that includes a computer readable program code that can perform the method for managing dynamic translation of claim 6.

The invention of claim 16 is directed to a system for managing dynamic translation that includes a client language storage, a skeleton determining circuit, a language table storage, a client and user determining circuit, a language determining circuit, and a merging circuit. For example, as shown in Fig. 4, the client language storage 230 stores the language information associated with a client and a user. See the specification at paragraph [0022]. The skeleton determining circuit 290, as shown in Fig. 4, determines at least one skeleton content elements of

a received content portion. See the specification at paragraphs [0038] and [0058]. The language table storage 220, as shown in Fig. 4, stores at least one translation of each skeleton content element based on the skeleton content element and language. See the specification at paragraphs [0038], [0057] and [0058]. For example, as shown in Figs. 8 and 9, the stored skeleton content elements include both graphical content elements and textual content elements. See the specification at paragraphs [0038], [0057] and [0058]. The client and user determining circuit 270, as shown in Fig. 4, determines the client and user associated with the content portion. See the specification at paragraph [0038]. The language determining circuit 240, as shown in Fig. 4, determines the language associated with the client and user. See the specification at paragraph [0038]. The merging circuit 250, as shown in Fig. 4, merges the translation of the skeleton content element based on the language associated with a determined client into the received content portion. See the specification at paragraph [0039].

The invention of claim 21 is directed to a program stored in a computer readable medium for managing dynamic translation that includes instructions for performing the method for managing dynamic translation of claim 6 and transmitting the merged skeleton content elements and content portion to the device. See the specification at paragraphs [0059] - [0064].

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

- 1) Claim 21 is rejected under 35 U.S.C. §101; and
- 2) Claims 1-21 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent

No. 6,421,733 to Tso et al. in view of U.S. Patent No. 6,073,147 to Chan et al.

VII. ARGUMENT

The Examiner rejects claim 21 under 35 U.S.C. §101. However, the Examiner has improperly applied the law relating to statutory subject matter. Proper application of the law demonstrates that the invention according to claim 21 satisfies 35 U.S.C. §101.

The Examiner rejects claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,733 to Tso ("Tso") in view of U.S. Patent No. 6,073,147 to Chan et al. ("Chan"). However, the Examiner has consistently and improperly applied the law relating to obviousness. Proper application of the law demonstrates that no *prima facie* case of obviousness has been established, and that the invention according to the combination recited in claims 1-21, would not have been obvious over the applied references.

A. Claim 21 satisfies 35 U.S.C. §101.

Claim 21 recites "a program stored on a computer readable medium for managing dynamic translation to a device for executing the control program."

"A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships within a computer program, and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See MPEP § 2106(a).

Thus, a program stored on computer readable medium, as recited in claim 21, is statutory.

B. Claims 1-21 Would Not Have Been Obvious Over Tso in View of Chan.

Claims 1, 6, 11, 16 and 21 are independent claims. As discussed below, the independent claims would not have been rendered obvious by any permissible combination of Tso and Chan. Thus, claims 1-21 would not have been obvious over Tso in view of Chan.

1. **Claims 1-5**

Claim 1 recites "a skeleton determining circuit for determining at least one skeleton content elements of the received content portion, wherein at least one skeleton content elements include graphical content elements and textual content elements; a language table storage for storing at least one translation of each of at least one skeleton content elements based on the skeleton content elements and a language; and a merging circuit for merging at least one translation of at least one skeleton content elements based on a language associated with a determined client into the received content portion." Tso, in combination with Chan, fails to disclose, teach or suggest this subject matter.

a) **Chan does not teach or suggest all of the features recited in claim 1.**

The January 4, 2005 Final Office Action admits that Tso fails to disclose at least one skeleton content elements including graphical content elements and textual content elements. However, the January 4 Final Office Action asserts that Chan, at col. 3, lines 36-45, teaches this feature. See page 6 of January 4, 2005 Final Office Action. The January 4 Final Office Action further asserts that it would have been obvious to modify Tso in view of the teaching in Chan. See page 6 of January 4, 2005 Final Office Action. This assertion improperly applies the law relating to obviousness. It would not have been obvious to one skilled in the art to modify the system in Tso based on the teachings of Chan, as discussed below.

b) **Chan does not remedy the deficiencies of Tso.**

The Examiner alleges that the teachings of Chan would have led one of ordinary skill in the art at the time of the invention to use a language table storage for storing skeleton content elements, wherein at least one skeleton content elements include graphical content elements and textual content elements, as recited in claim 1. However, Chan does not teach or suggest a language table storage for storing at least one translation of the least skeleton

content elements and does not suggest graphical content elements and textual content elements.

(1) **Chan does not teach or suggest a language table storage for storing at least one translation of at least one skeleton content elements based on the skeleton content element and a language.**

Specifically, Chan does not teach "maintaining both graphical and outline versions of text characters" in col. 3, lines 36-45, as asserted by the January 4 Final Office Action and March 17, 2005 Advisory Action. See page 6 of the January 4, 2005 Final Office Action and continuation sheet of March 17, 2005 Advisory Action. Chan teaches storage of available fonts for characters in documents; that is, the font resource distribution system of Chan stores "information which describes each character in the font." See Chan at col. 3, lines 34-36. In other words, the font resource server of Chan stores and provides the necessary information pertaining to the various types of fonts that may be required by users to generate characters present in a document. Although the information may describe the characters of a font in multiple formats, such as a bitmap form and an outline form, the information for generating characters, not the characters themselves, is stored according to Chan. See Chan at col. 2, lines 5-22.

Chan specifically distinguishes between the characters and the information describing the characters (the font). For example, Chan teaches that transmission time and memory requirements may be reduced by not including font information in the documents. However, the documents certainly include the characters. Thus, it is incorrect and unreasonable to consider the storage of font information by Chan to teach or suggest storage of characters.

(2) **Chan does not teach or suggest graphical content element and textual content elements.**

Chan does not disclose bit-map and outline versions of each character as asserted by the January 4 Final Office Action. See page 6 of the January 4, 2005 Final Office Action. Chan only discloses a system that includes a font resource server that contains font information, i.e., information for generating characters of a font in multiple formats, such as a

bit-mapped format and an outline format, so that different types of font information can be selectively employed at any given site. See Chan at col. 2, lines 5-13. That is, the font server stores information related to a description of each font character in a format. See Chan at col. 3, lines 32-34. The description of characters are stored in a format, such as bitmap or outline, cited by Chan as two commonly employed formats. See Chan, col. 3 at lines 37-40. Thus, the bit-map and outline formats are not versions of each character, but are only information for generating each character.

Further, the bit-map and outline formats of Chan do not correspond to graphic and text content elements as asserted by the January 4 Final Office Action. The font server of Chan selectively employs a bit-map format or an outline format for information to generate a character. See Abstract of Chan. The bit-map and outline formats only differ in how each format defines a character, i.e., the same element. See Chan at col. 3, lines 37-41. Nowhere does Chan disclose using both formats, let alone using both formats to represent multiple versions of the same element.

Because the bit-mapped and outline formats of Chan are only information related to a font, neither of the formats provide a graphical content element, as recited in claim 1. Graphic content elements as recited in claim 1 are not only information, but are graphic files. Graphic content elements are generated for content elements associated with pictographic languages such as Japanese, Chinese, and/or Korean. See specification at paragraph [0013] and Fig. 9. These graphic content elements may be incorporated into Internet graphic format "png" files or any other supported graphic file format. See specification at paragraph [0013] and Fig. 9. Thus, Chan does not disclose the graphical content elements, as recited in claim 1.

c) **The asserted combination of Tso and Chan is improper.**

It is well settled that a rejection based on 35 U.S.C. §103(a) must rest on a factual basis, which the Patent and Trademark Office has the initial duty of supplying. *In re GPAC, Inc.*, 57 F.3d 1573, 1582, 35 USPQ2d 1116, 1123 (Fed. Cir. 1995). A showing of a suggestion, teaching, or motivation to combine the prior art references is an “essential evidentiary component of an obviousness holding.” *C.R. Bard, Inc. v. M3 Sys. Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). This evidence may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved. See *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996). However, the suggestion more often comes from the teachings of the pertinent references. See *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). This showing must be clear and particular, and broad statements drawing conclusions about the teaching of multiple references, standing alone, are not “evidence.” See *In re Dembiczak*, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617. However, the suggestion to combine need not be express and “may come from the prior art, as filtered through the knowledge of one skilled in the art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 1472, 43 USPQ2d 1481, 1489 (Fed. Cir. 1997).

Further, if the proposed modification were to render the prior art invention being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The teachings of the references are not sufficient to render the claims *prima facie* obvious if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

If the PTO fails to meet this burden, then the Applicants are entitled to a patent. *In re Glaug*, 62 USPQ2d 1151 (Fed. Cir. 2002).

The Examiner has failed to meet this burden. There is no motivation to combine the font server of Chan with Tso, at least not as asserted by January 4 Final Office Action. Moreover, any permissible combination of the font server of Chan with Tso would not result in the modification alleged by the January 4 Final Office Action.

(1) **The required motivation is lacking.**

The disclosed advantage of the font server of Chan is to reduce transmission time and memory requirements. See Abstract of Chan. The font server of Chan transmits a request to the font server for the necessary resources if a program or computer does not have the resources necessary to generate that font. See Chan at col. 4, lines 10-29. The server retrieves the data that pertains to the specific character identified and returns the data to the computer. See Chan at col. 4, lines 45-52. Thus, the server of Chan reduces transmission time and memory requirements as a result of smaller document files, because the server of Chan allows a user to display and print documents containing any of a large variety of fonts, without requiring font resource data to be included in a file with the document.

However, the system for managing dynamic translation in claim 1 merges the translation from a language table storage into the received content portion. See Fig. 9. The language table storage requires memory to store the translation of each of the skeleton requirements. Because the intended purpose of the font server of Chan is to reduce memory requirements, there is no motivation to combine Tso and Chan to achieve the features recited claim 1. In fact, Chan teaches away from such a combination or modification.

(2) The modification alleged by the Final Office Action and Advisory Action would not result from any permissible combination of Chan and Tso.

Both the January 4 Final Office Action and the March 17 Advisory Action mischaracterize Chan to allege a motivation to modify the teachings of Tso. The January 4 Final Office Action asserts that Chan teaches, in column 4, lines 10-29, "that a graphic glyph is transmitted to client computers for font characters which the client computer cannot display." However, this text of Chan teaches that if the resources necessary to generate a particular font are not stored at the client computer, a request for the necessary resources is transmitted to the font server. The March 17 Advisory Action similarly incorrectly asserts that Chan provides graphical and text characters to the client.

Thus, the alleged motivation stated in both the January 4 Final Office Action and the March 17 Advisory Action is improper and not supported by the teachings of the references. It is respectfully submitted that a permissible combination of the teachings of Tso and Chan would not result in the modification alleged by the January 4 Final Office Action. That is, because Chan does not teach storing both graphical content elements and textual content elements, Chan cannot supply the feature of claim 1 admittedly missing from Tso, even if the font information (resources) of Chan were to be stored in the same memory.

Therefore, Appellants respectfully submit that the rejection of claim 1 is improper and should be reversed.

Claims 2-5 depend from claim 1. Thus, the rejection of claims 2-5 is also improper and should be reversed.

2. Claim 6

Claim 6 recites "receiving a content portion from a client; determining at least one of a client and a user associated with the content portion; determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content

elements include graphical content elements and textual content elements; determining at least one translated skeleton content elements from a language table based on the determined at least one client and user; and merging the at least one translated skeleton content elements into the content portion." Tso, in combination with Chan, fails to disclose, teach or suggest this subject matter.

a) Chan does not teach or suggest all of the features recited in claim 6.

The January 4 Final Office Action admits that Tso fails to disclose determining at least one skeleton content elements, wherein the at least one skeleton content elements include graphical content elements and textual content elements. However, the January 4 Final Office Action asserts that Chan, at col. 3, lines 36-45, teaches this feature. See page 8 of January 4, 2005 Final Office Action. The January 4 Final Office Action further asserts that it would have been obvious to modify Tso in view of the teaching in Chan. See page 8 of January 4, 2005 Final Office Action. This assertion improperly applies the law relating to obviousness. It would not have been obvious to one skilled in the art to modify the system in Tso based on the teachings of Chan, as discussed below.

b) Chan does not remedy the deficiencies of Tso.

The Examiner alleges that the teachings of Chan would have led one of ordinary skill in the art at the time of the invention to use a language table to determine at least one translated skeleton content elements, wherein at least one skeleton content elements include graphical content elements and textual content elements, as recited in claim 6. However, Chan does not teach or suggest determining at least one translated skeleton content elements from a language table and does not teach or suggest that the at least one skeleton content elements include graphical content elements and textual content elements.

(1) Chan does not teach or suggest determining at least one translated skeleton content elements from a language table based on the determined at least one client and user.

Specifically, Chan does not teach "maintaining both graphical and outline versions of text characters" in col. 3, lines 36-45, as asserted by the January 4 Final Office Action and March 17 Advisory Action. See page 8 of January 4, 2005 Final Office Action and continuation sheet of the March 17 Advisory Action. Chan teaches storage of available fonts for characters in documents; that is, the font resource distribution system of Chan stores "information which describes each character in the font." See Chan at col. 3, lines 34-36. In other words, the font resource server of Chan stores and provides the necessary information pertaining to the various types of fonts that may be required by users to generate characters present in a document. Although the information may describe the characters of a font in multiple formats, such as a bitmap form and an outline form, the information for generating characters, not the characters themselves, is stored according to Chan. See Chan at col. 2, lines 5-22.

Chan specifically distinguishes between the characters and the information describing the characters (the font). For example, Chan teaches that transmission time and memory requirements may be reduced by not including font information in the documents. However, the documents certainly include the characters. Thus, it is incorrect and unreasonable to consider the storage of font information by Chan to teach or suggest storage of characters.

(2) Chan does not teach or suggest graphical content element and textual content elements.

As discussed above with respect to claim 1, Chan does not disclose bit-map and outline versions of each character. Chan only discloses a system that includes a font resource server, that contains font information, i.e., information for generating characters of a font in multiple formats, such as a bit-mapped format and an outline format, so that different types of

font information can be selectively employed at any given site. That is, the font server stores information related to a description of each font character in a format. The description of characters are stored in a format, such as bitmap or outline, cited by Chan as two commonly employed formats. Thus, the bit-map and outline formats are not versions of each character, but are only information for generating each character.

As also discussed above with respect to claim 1, the bit-map and outline formats of Chan do not correspond to graphic and text content elements. The font server of Chan selectively employs a bit-map format or an outline format for information to generate a character. The bit-map and outline formats only differ in how each format defines a character, i.e., the same element. Chan fails to disclose using both formats, let alone using both formats to represent multiple versions of the same element.

Because the bit-mapped and outline formats of Chan are only information related to a font, neither of the formats provide a graphical content element as recited in claim 6. Graphic content elements as recited in claim 6 are not only information, but are graphic files. Graphic content elements are generated for content elements associated with pictographic languages such as Japanese, Chinese, and/or Korean. See specification at paragraph [0013] and Fig. 9. These graphic content elements may be incorporated into Internet graphic format "png" files or any other supported graphic file format. See specification at paragraph [0013] and Fig. 9. Thus, Chan does not disclose the graphical content elements as recited in claim 6.

c) The asserted combination of Tso and Chan is improper.

The Examiner has failed to meet the burden to establish a *prima facie* case of obviousness. As discussed above with respect to claim 1, there is no motivation to combine the font server of Chan with Tso, at least not as asserted by Final Office Action and Advisory Action, and any permissible combination of Chan with Tso would not result in the modification alleged by the January 4 Final Office Action and March 17 Advisory Action.

(1) **The required motivation is lacking.**

As discussed above with respect to claim 1, the advantage of the font server of Chan is to reduce transmission time and memory requirements. The font server of Chan transmits a request to the font server for the necessary resources if a program or computer does not have the resources necessary to generate that font. The server retrieves the data that pertains to the specific character identified and returns the data to the computer. Thus, the server of Chan reduces transmission time and memory requirements as a result of smaller document files, because the server of Chan allows a user to display and print documents containing any of a large variety of fonts, without requiring font resource data to be included in a file with the document.

However, the method for managing dynamic translation recited in claim 6 merges the translated skeleton content elements from a language table into the received content portion. See Fig. 9. The language table storage requires memory to store the translation of each of the skeleton requirements. Because the intended purpose of the font server of Chan is to reduce memory requirements, there is no motivation to combine Tso and Chan to achieve the features recited in claim 6. In fact, Chan teaches away from such a combination or modification.

(2) **The modification alleged by the Final Office Action and Advisory Action would not result from any permissible combination of Chan and Tso.**

Both the January 4 Final Office Action and the March 17 Advisory Action mischaracterize Chan to allege a motivation to modify the teachings of Tso. The January 4 Final Office Action asserts that Chan teaches, in column 4, lines 10-29, "that a graphic glyph is transmitted to client computers for font characters which the client computer cannot display." However, this text of Chan teaches that if the resources necessary to generate a particular font are not stored at the client computer, a request for the necessary resources is

transmitted to the font server. The March 17 Advisory Action similarly incorrectly asserts that Chan provides graphical and text characters to the client.

Thus, the alleged motivation stated in both the January 4 Final Office Action and the March 17 Advisory Action is improper and not supported by the teachings of the references. It is respectfully submitted that a permissible combination of the teachings of Tso and Chan would not result in the modification alleged by the Final Office Action. That is, because Chan does not teach storing both graphical content elements and textual content elements, Chan cannot supply the feature of claim 6 admittedly missing from Tso, even if the font information (resources) of Chan were to be stored in the same memory.

Therefore, Appellants respectfully submit that the rejection of claim 6 is improper and should be reversed.

Claims 7-10 depend from claim 6. Thus, the rejection of claims 7-10 is also improper and should be reversed.

3. Claim 11

Claim 11 recites "receiving a content portion from a client; determining at least one of a client and a user associated with the content portion; determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements; determining at least one translated skeleton content elements from a language table based on the determined at least one client and user; and merging the at least one translated skeleton content elements into the content portion." Tso, in permissible combination with Chan, fails to disclose, teach or suggest this subject matter.

The invention of claim 11 is directed to a computer readable storage medium that includes a computer readable program code that is configured to perform the method for managing dynamic translation of claim 6. Thus, because claim 11 includes all the feature of

claim 6, the rejection of claim 11 is improper for the same reasons stated above with respect to claim 6 and should be reversed.

Claims 12-15 depend from claim 11. Thus, the rejection of claims 12-15 is also improper and should be reversed.

4. Claim 16

Claim 16 recites "a client language storage for storing language information associated with a client and user; a skeleton determining circuit for determining at least one skeleton content elements of a received content portion wherein the at least one skeleton content elements include graphical content elements and textual content elements; a language table storage for storing at least one translation of each of at least one skeleton content elements based on the skeleton content element and a language; a client and user determining circuit for determining a client and user associated with a content portion; a language determining circuit for determining the language associated with the client and user; and a merging circuit for merging at least one translation of the at least one skeleton content elements based on the language associated with the determined client into the received content portion." Tso, in permissible combination with Chan, fails to disclose, teach or suggest this subject matter.

a) Chan does not teach or suggest all of the features as recited in claim 16.

The January 4 Final Office Action admits that Tso fails to disclose at least one skeleton content elements including graphical content elements and textual content elements. However, the Final Office Action asserts that Chan, at col. 3, lines 36-45, teaches this feature. See page 13 of January 4, 2005 Final Office Action. The January 4 Final Office Action further asserts that it would have been obvious to modify Tso in view of the teaching in Chan. See page 13 of January 4, 2005 Final Office Action. This assertion improperly applies the

law relating to obviousness. It would not have been obvious to one skilled in the art to modify the system in Tso based on the teachings of Chan, as discussed below.

b) Chan does not remedy the deficiencies of Tso.

The Examiner alleges that the teachings of Chan would have led one of ordinary skill in the art at the time of the invention to use a language table storage for storing skeleton content elements, wherein at least one skeleton content elements include graphical content elements and textual content elements, as recited in claim 16. However, Chan does not teach or suggest a language table storage for storing at least one translation of the least skeleton content elements and does not suggest graphical content elements and textual content elements.

(1) Chan does not teach or suggest a language table storage for storing at least one translation of at least one skeleton content elements based on the skeleton content element and a language.

Specifically, Chan does not teach "maintaining both graphical and outline versions of text characters" in col. 3, lines 36-45 as asserted by the January 4, Final Office Action and March 17 Advisory Action. See page 13 of the January 4, 2005 Final Office Action and continuation sheet of March 17, 2005 Advisory Action. Chan teaches storage of available fonts for characters in documents; that is, the font resource distribution system of Chan stores "information which describes each character in the font." See Chan at col. 3, lines 34-36. In other words, the font resource server of Chan stores and provides the necessary information pertaining to the various types of fonts that may be required by users to generate characters present in a document. Although the information may describe the characters of a font in multiple formats, such as a bitmap form and an outline form, the information for generating characters, not the characters themselves, is stored according to Chan. See Chan at col. 2, lines 5-22.

Chan specifically distinguishes between the characters and the information describing the characters (the font). For example, Chan teaches that transmission time and memory requirements may be reduced by not including font information in the documents. However, the documents certainly include the characters. Thus, it is incorrect and unreasonable to consider the storage of font information by Chan to teach or suggest storage of characters.

(2) Chan does not teach or suggest graphical content element and textual content elements.

As discussed above with respect to claim 1, Chan does not disclose bit-map and outline versions of each character. Chan only discloses a system that includes a font resource server that contains font information, i.e., information for generating characters of a font in multiple formats, such as a bit-mapped format and an outline format, so that different types of font information can be selectively employed at any given site. That is, the font server stores information related to a description of each font character in a format. The description of characters are stored in a format, such as bitmap or outline, cited by Chan as two commonly employed formats. Thus, the bit-map and outline formats are not versions of each character, are only information for generating each character.

As also discussed above with respect to claim 1, the bit-map and outline formats of Chan do not correspond to graphic and text content elements as asserted by the Final Office Action. The font server of Chan selectively employs a bit-map format or an outline format for information to generate a character. The bit-map and outline formats only differ in how each format defines a character, i.e., the same element. Chan fails to disclose using both formats, let alone using both formats to represent multiple versions of the same element.

Because the bit-mapped and outline formats of Chan are only information related to a font, neither of the formats provide a graphical content element as recited in claim 16. Graphic content elements as recited in claim 16 are not only information, but are graphic

files. Graphic content elements are generated for content elements associated with pictographic languages such as Japanese, Chinese, and/or Korean. See specification at paragraph [0013] and Fig. 9. These graphic content elements may be incorporated into Internet graphic format "png" files or any other supported graphic file format. See specification at paragraph [0013] and Fig. 9. Thus, Chan does not disclose the graphical content elements as recited in claim 16.

c) The asserted combination of Tso and Chan is improper.

The Examiner has failed to meet the burden to establish a *prima facie* case of obviousness. As discussed above with respect to claim 1, there is no motivation to combine the font server of Chan with Tso, at least not as asserted by Final Office Action and Advisory Action, and any permissible combination of Chan with Tso would not result in the modification alleged by the January 4 Final Office Action and March 17 Advisory Action.

(1) The required motivation is lacking.

As discussed above with respect to claim 1, the advantage of the font server of Chan is to reduce transmission time and memory requirements. The font server of Chan transmits a request to the font server for the necessary resources if a program or computer does not have the resources necessary to generate that font. The server retrieves the data that pertains to the specific character identified and returns the data to the computer. Thus, the server of Chan reduces transmission time and memory requirements as a result of smaller document files, because the server of Chan allows a user to display and print documents containing any of a large variety of fonts, without requiring font resource data to be included in a file with the document.

However, the system for managing dynamic translation recited in claim 16 merges the translation from a language table storage into the received content portion. See Fig. 9. The language table storage requires memory to store the translation of each of the skeleton

requirements. Because the intended purpose of the font server of Chan is to reduce memory requirements, there is no motivation to combine Tso and Chan to achieve the features recited claim 16. In fact, Chan teaches away from such a combination or modification.

(2) The modification alleged by the Final Office Action and Advisory Action would not result from any permissible combination of Chan and Tso.

Both the January 4 Final Office Action and the March 17 Advisory Action mischaracterize Chan to allege a motivation to modify the teachings of Tso. The January 4 Final Office Action asserts that Chan teaches, in column 4, lines 10-29, "that a graphic glyph is transmitted to client computers for font characters which the client computer cannot display." However, this text of Chan teaches that if the resources necessary to generate a particular font are not stored at the client computer, a request for the necessary resources is transmitted to the font server. The March 17 Advisory Action similarly incorrectly asserts that Chan provides graphical and text characters to the client.

Thus, the alleged motivation stated in both the January 4 Final Office Action and the March 17 Advisory Action is improper and not supported by the teachings of the references. It is respectfully submitted that a permissible combination of the teachings of Tso and Chan would not result in the modification alleged by the Final Office Action. That is, because Chan does not teach storing both graphical content elements and textual content elements, Chan cannot supply the feature of claim 16 admittedly missing from Tso, even if the font information (resources) of Chan were to be stored in the same memory.

Therefore, Appellants respectfully submit that the rejection of claim 16 is improper and should be reversed.

Claims 17-20 depend from claim 16. Thus, the rejection of claims 17-20 is also improper and should be reversed.

5. **Claim 21**

Claim 21 recites "instructions for receiving a content portion from a client; instructions for determining at least one of a client and a user associated with the content portion; instructions for determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements; instructions for determining at least one translated skeleton content elements from a language table based on the determined at least one client and user; instructions for merging the at least one translated skeleton content elements into the content portion; and instructions for transmitting the merged at least one translated skeleton content elements and the content portion to the device." Tso, in permissible combination with Chan, fails to disclose, teach or suggest this subject matter.

The invention of claim 21 is directed to a program stored on a computer-readable medium that includes instructions for executing the program to perform the method for managing dynamic translation of claim 6 and instructions for transmitting the merged at least one translated skeleton content elements, and the content portion to the device. Thus, because claim 21 includes all the features of claim 6, the rejection of claim 21 is improper for at least the reasons stated above with respect to claim 6, and should be reversed.

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-21 are allowable. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1-21.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. A system for managing dynamic translation, comprising:
 - a client language storage for storing language information associated with a client and user;
 - a skeleton determining circuit for determining at least one skeleton content elements of a received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements;
 - a language table storage for storing at least one translation of each of at least one skeleton content elements based on the skeleton content element and a language;
 - a client and user determining circuit for determining a client and user associated with a content portion; and
 - a merging circuit for merging at least one translation of the at least one skeleton content elements based on the language associated with the determined client into the received content portion.
2. The system of claim 1, wherein the language table storage generates translated skeleton content elements using dynamic natural language translation.
3. The system of claim 1, wherein the client and user determining circuit determines at least one of a client identification and a user identification based on at least one of internet protocol address information, session identifier information, name pairs/value pairs and attribute/value pairs.
4. The system of claim 1, wherein the merged content portions are stored using at least one of an electronic medium; a printed medium and a paper medium.
5. The system of claim 1, wherein the merged content portions are at least one of an interactive electronic text, a printed text, an audio book and a video book.

6. A method for managing dynamic translation, comprising:
 - receiving a content portion from a client;
 - determining at least one of a client and a user associated with the content portion;
 - determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements;
 - determining at least one translated skeleton content elements from a language table based on the determined at least one client and user; and
 - merging the at least one translated skeleton content elements into the content portion.
7. The method of claim 6, wherein the translated skeleton content elements are determined using at least one of dynamic natural language translation and language table look up.
8. The method of claim 6, wherein the client and user is determined based on at least one of internet protocol address information, session identifier information, name pairs and value pairs.
9. The method of claim 6, wherein determining the merged content portions produces at least one of an interactive text, a printed text, an audio book and a video book.
10. The method of claim 7, wherein the merged content portions are stored on at least one of electronic media, printed media and a paper media.
11. A computer readable storage medium comprising:
 - computer readable program code embodied on said computer readable storage medium, said computer readable program code usable to program a computer to perform a method for managing dynamic translation comprising the steps of:

receiving a content portion from a client;

determining at least one of a client and a user associated with the content portion;

determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements;

determining at least one translated skeleton content elements from a language table based on the determined at least one client and user; and

merging the at least one translated skeleton content elements into the content portion.

12. The computer readable storage medium comprising computer readable program code as in claim 11, wherein the translated skeleton content elements are determined using at least one of dynamic natural language translation and language table look up.

13. The computer readable storage medium comprising computer readable program code as in claim 11, wherein the client and user information is determined based on at least one of internet protocol address information, session identifier information and name and value pairs.

14. The computer readable storage medium comprising computer readable program code as in claim 11, wherein determining the merged content portions produces at least one of an interactive text, a printed text, an audio book and a video book.

15. The computer readable storage medium comprising computer readable program code as in claim 11, wherein the merged content portions are stored on at least one of electronic media, printed media and a paper media.

16. System for managing dynamic translation, comprising:

- a client language storage for storing language information associated with a client and user;
- a skeleton determining circuit for determining at least one skeleton content elements of a received content portion wherein the at least one skeleton content elements include graphical content elements and textual content elements;
- a language table storage for storing at least one translation of each of at least one skeleton content elements based on the skeleton content element and a language;
- a client and user determining circuit for determining a client and user associated with a content portion;
- a language determining circuit for determining the language associated with the client and user; and
- a merging circuit for merging at least one translation of the at least one skeleton content elements based on the language associated with the determined client into the received content portion.

17. The system of claim 16, wherein the language table storage generates translated skeleton content elements using dynamic natural language translation.

18. The system of claim 16, wherein the client and user determining circuit determines the client and user identifier based on at least one of internet protocol address information, session identifier information and name and value pairs.

19. The system of claim 16, wherein the merged content portions are stored on at least one of an electronic media; a printed media and a paper media.

20. The system of claim 16, wherein the merged content portions are at least one of an interactive electronic text, a printed text, an audio book and a video book.

21. A program stored on a computer readable medium for managing dynamic translation to a device for executing the control program, the device couplable to a language table storage that stores language information associated with a client and user, the control program comprising:

- instructions for receiving a content portion from a client;
- instructions for determining at least one of a client and a user associated with the content portion;
- instructions for determining at least one skeleton content elements of the received content portion, wherein the at least one skeleton content elements include graphical content elements and textual content elements;
- instructions for determining at least one translated skeleton content elements from a language table based on the determined at least one client and user;
- instructions for merging the at least one translated skeleton content elements into the content portion; and
- instructions for transmitting the merged at least one translated skeleton content elements and the content portion to the device.